

Applicant : Thomas Flynn
Appl. No. : 09/614,496
Examiner : Nguyen, Tu X
Docket No. : 7002013.2 (formerly 255/087)

REMARKS

In the office action the examiner rejected claim 4 and 17 under 35 USC § 112 and claims 1-20 under 35 USC § 103. In view of the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration and withdrawal of the examiner's rejections.

Claim Rejections – 35 USC 112

The examiner rejected claims 4 and 17 under 35 USC 112 as being indefinite due to claims limitation “about” and “two to five feet long”. Applicant has amended claims 4 and 17 to remove “about” from the claims. Accordingly, Applicant submits that claims 4 and 17 meet the requirements for patentability under 35 USC 112.

Claim Rejections – 35 USC 103

The examiner rejected claims 1 and 8-11 under 35 USC 103 as unpatentable over Opal USPN 5,801,632 in view of Pignataro USPN 6,182,677 and further in view of Elliott 5,925,848. Applicant has carefully reviewed Opal, Pignataro and Elliot and respectfully submits that these references do not disclose, teach or suggest either alone or in combination all of the limitations of claims 1 and 8-11 and therefore can not be relied upon to form a prima facie case of obviousness. More particularly, Opal does not disclose “a weight assisted rack assembly for mounting electronic components within the enclosure” as claimed in claim 1. Opal discusses at column 7, lines 26—41, a removable rack system 221 with removable racks 215, but nothing more. There is absolutely no reference to the rack being “weight assisted”. The Opal rack system appears to be a conventional vertical electronic component rack system with removable racks for easy removal and installation of components within the rack system.

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Further, Pignataro does not disclose "a water evacuation system mounted within the enclosure, the evacuation system including a one-way pressure actuated exhaust valve" as claimed in claim 1. The valve 25 in Pignataro is a ball-type valve with an externally disposed elongate handle³⁰ for manipulating the valve 26. The Pignataro valve is not a one-way pressure actuated exhaust valve wherein pressure exerted on the exhaust valve from one direction actuates the valve to an open position.

Lastly, Elliot does not disclose an underground cabinet. Elliot states at column 2, lines 58-61, "the housing includes partially buried sidewalls, a top wall above ground level, a bottom wall spaced below ground level, and a support surface space below ground level. "

As to claim 8, Elliot does not disclose an enclosure that is submergible under water. Elliot actually teaches away from a submergible enclosure at column 3, lines 1—4 by stating "advantageously, the lower portion of the housing extends to a depth of no more than 42 inches below the ground surface for ease of installatio, and to avoid extending below the water table." If submergible, Elliot would not be concerned about extending below the water table.

In claim 10 the exhaust valve includes "a valve body and a valve cap slidably attached to the valve body, the valve cap being extendable to a position flush with a top surface of the enclosure." Pignataro does not include a cap slidably attached to the valve body. The cap 28 is screwed in to the end of a pipe with threads 36.

As to claim 11, Opal does not disclose a "rack assembly [that] includes a pulley and weight system connected to the rack, the pulley and weight system including sufficient weight to draw the rack up and rise out of the enclosure." As noted above in regard to claim 1, Opal does not include a weight assisted rack. Accordingly, claims 1,

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8 and 10-11, and claim 9 by virtue of its dependence upon claim 1, meet the requirements for patentability under 35 USC 103.

Claim Rejections – 35 USC 103

The examiner rejected claims 2-4 under 35 USC 103 as unpatentable over Opal in view of Pignataro, in view of Elliott, and further in view of Marzec et al USPN 6,238,029. Claims 2-4 depend from claim 1 and for the reasons stated above in regard to claim 1, meet the requirement for patentability under 35 USC 103.

Claim Rejections – 35 USC 103

The examiner rejected claim 5 under 35 USC 103 as unpatentable over Opal in view of Pignataro, in view of Elliott, and further in view of Parish, IV et al USPN 6,462,949. Claim 5 depends from claim 1 and for the reasons stated above in regard to claim 1, meets the requirement for patentability under 35 USC 103.

Claim Rejections – 35 USC 103

The examiner rejected claim 6 under 35 USC 103 as unpatentable over Opal in view of Pignataro, in view of Elliott, in view of Parish, IV and further in view of Katchka et al USPN 5,190,452. Claim 6 depends from claim 1 and for the reasons stated above in regard to claim 1, meets the requirement for patentability under 35 USC 103.

Claim Rejections – 35 USC 103

The examiner rejected claim 7 under 35 USC 103 as unpatentable over Opal in view of Pignataro, in view of Elliott, in view of Parish, IV, in view of Katchka and further in view of Tikka USPub 2001/0052412. Claim 7 depends from claim 1 and for the reasons stated above in regard to claim 1, meets the requirement for patentability under 35 USC 103.

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Claim Rejections -- 35 USC 103

The examiner rejected claims 12-15 and 17-20 under 35 USC 103 as unpatentable over Opal in view of Pignataro, in view of Elliott, and further in view of Csapo et al USPN 6,411,825. As noted above, Elliot does not disclose a "cabinet buried underground" and Pignataro does not disclose "a one-way pressure actuated valve." Further, Csapo does not disclose an antenna mounted a top of a light standard or road sign. Accordingly, claim 12, and claims 13-15 and 17-20 by virtue of their dependence on claim 12 and further in view of the arguments made in regard to claims 8 and 10-11 , meet the requirements for patentability under 35 USC 103.

Claim Rejections -- 35 USC 103

The examiner rejected claim 16 under 35 USC 103 as unpatentable over Opal in view of Pignataro, in view of Elliott, in view of Csapo and further in view of Marzec et al. Claim 16 depends from claim 12 and for the reasons stated above in regard to claim 12, meets the requirement for patentability under 35 USC 103.

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CONCLUSION

In view of the foregoing, Applicants submit that claims 1 -- 20, are in condition for allowance. Should minor matter remain, the examiner is invited to contact the undersigned at (949) 567-6700.

Respectfully submitted,

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